



General Assembly

## ***Amendment***

***January Session, 2015***

**LCO No. 6771**



Offered by:  
REP. RUTIGLIANO, 123<sup>rd</sup> Dist.

To: Subst. House Bill No. **6793**

File No. 367

Cal. No. 224

***"AN ACT CONCERNING INTENTIONAL MISREPRESENTATIONS,  
NONDISCLOSURES, NONDECLARATIONS AND VIOLATIONS AS  
THEY RELATE TO UNEMPLOYMENT COMPENSATION  
BENEFITS."***

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 31-231a of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) For a construction worker identified pursuant to regulations  
6 adopted in accordance with subsection (c) of this section, the total  
7 unemployment benefit rate for the individual's benefit year  
8 commencing on or after April 1, 1996, shall be an amount equal to one  
9 twenty-sixth, rounded to the next lower dollar, of his or her total  
10 wages paid during that quarter of his or her current benefit year's base  
11 period in which wages were the highest but not less than fifteen  
12 dollars nor more than the maximum benefit rate as provided in  
13 subsection (b) of this section, and on or after October 1, 2015, shall be

14 an amount equal to one twenty-sixth, rounded to the next lower dollar,  
15 of his or her total wages paid during that quarter of his or her current  
16 benefit year's base period in which wages were the highest but not less  
17 than fifty dollars nor more than the maximum benefit rate as provided  
18 in subsection (b) of this section.

19 (b) For an individual not included in subsection (a) of this section,  
20 the individual's total unemployment benefit rate for his or her benefit  
21 year commencing after September 30, 1967, shall be an amount equal  
22 to one twenty-sixth, rounded to the next lower dollar, of the average of  
23 his or her total wages, as defined in subdivision (1) of subsection (b) of  
24 section 31-222, paid during the two quarters of his or her current  
25 benefit year's base period in which such wages were highest but not  
26 less than fifteen dollars, and commencing after October 1, 2015, not  
27 less than fifty dollars, nor more than one hundred fifty-six dollars in  
28 any benefit year commencing on or after the first Sunday in July, 1982,  
29 nor more than sixty per cent rounded to the next lower dollar of the  
30 average wage of production and related workers in the state in any  
31 benefit year commencing on or after the first Sunday in October, 1983,  
32 and provided the maximum benefit rate in any benefit year  
33 commencing on or after the first Sunday in October, 1988, shall not  
34 increase more than eighteen dollars in any benefit year, such increase  
35 to be effective as of the first Sunday in October of such year, and  
36 further provided the maximum benefit rate shall not increase in benefit  
37 years 2015, 2016 and 2017. The average wage of production and related  
38 workers in the state shall be determined by the administrator, on or  
39 before August fifteenth annually, as of the year ended the previous  
40 June thirtieth to be effective during the benefit year commencing on or  
41 after the first Sunday of the following October and shall be so  
42 determined in accordance with the standards for the determination of  
43 average production wages established by the United States  
44 Department of Labor, Bureau of Labor Statistics.

45 (c) The administrator shall adopt regulations pursuant to the  
46 provisions of chapter 54 to implement the provisions of this section.

47 Such regulations shall specify the National Council on Compensation  
48 Insurance employee classification codes which identify construction  
49 workers covered by subsection (a) of this section and specify the  
50 manner and format in which employers shall report the identification  
51 of such workers to the administrator.

52 Sec. 502. Section 31-236 of the general statutes is repealed and the  
53 following is substituted in lieu thereof (*Effective October 1, 2015*):

54 (a) An individual shall be ineligible for benefits:

55 (1) If the administrator finds that the individual has failed without  
56 sufficient cause either to apply for available, suitable work when  
57 directed so to do by the Public Employment Bureau or the  
58 administrator, or to accept suitable employment when offered by the  
59 Public Employment Bureau or by an employer, such ineligibility to  
60 continue until such individual has returned to work and has earned at  
61 least six times such individual's benefit rate. Suitable work means  
62 either employment in the individual's usual occupation or field or  
63 other work for which the individual is reasonably fitted, provided such  
64 work is within a reasonable distance of the individual's residence. In  
65 determining whether or not any work is suitable for an individual, the  
66 administrator may consider the degree of risk involved to such  
67 individual's health, safety and morals, such individual's physical  
68 fitness and prior training and experience, such individual's skills, such  
69 individual's previous wage level and such individual's length of  
70 unemployment, but, notwithstanding any other provision of this  
71 chapter, no work shall be deemed suitable nor shall benefits be denied  
72 under this chapter to any otherwise eligible individual for refusing to  
73 accept work under any of the following conditions: (A) If the position  
74 offered is vacant due directly to a strike, lockout or other labor dispute;  
75 (B) if the wages, hours or other conditions of work offered are  
76 substantially less favorable to the individual than those prevailing for  
77 similar work in the locality; (C) if, as a condition of being employed,  
78 the individual would be required to join a company union or to resign  
79 from or refrain from joining any bona fide labor organization; (D) if the

80 position offered is for work which commences or ends between the  
81 hours of one and six o'clock in the morning if the administrator finds  
82 that such work would constitute a high degree of risk to the health,  
83 safety or morals of the individual, or would be beyond the physical  
84 capabilities or fitness of the individual or there is no suitable  
85 transportation available from the individual's home to or from the  
86 individual's place of employment; or (E) if, as a condition of being  
87 employed, the individual would be required to agree not to leave such  
88 position if recalled by the individual's former employer;

89 (2) (A) If, in the opinion of the administrator, the individual has left  
90 suitable work voluntarily and without good cause attributable to the  
91 employer, until such individual has earned at least ten times such  
92 individual's benefit rate, provided whenever an individual voluntarily  
93 leaves part-time employment under conditions that would render the  
94 individual ineligible for benefits, such individual's ineligibility shall be  
95 limited as provided in subsection (b) of this section, if applicable, and  
96 provided further, no individual shall be ineligible for benefits if the  
97 individual leaves suitable work (i) for good cause attributable to the  
98 employer, including leaving as a result of changes in conditions  
99 created by the individual's employer, (ii) to care for the individual's  
100 spouse, child, or parent with an illness or disability, as defined in  
101 subdivision [(16)] (17) of this subsection, (iii) due to the discontinuance  
102 of transportation, other than the individual's personally owned  
103 vehicle, used to get to and from work, provided no reasonable  
104 alternative transportation is available, (iv) to protect the individual, the  
105 individual's child, the individual's spouse or the individual's parent  
106 from becoming or remaining a victim of domestic violence, as defined  
107 in section 17b-112a, provided such individual has made reasonable  
108 efforts to preserve the employment, but the employer's account shall  
109 not at any time be charged with respect to any voluntary leaving that  
110 falls under subparagraph (A)(iv) of this subdivision, (v) for a  
111 separation from employment that occurs on or after July 1, 2007, to  
112 accompany a spouse who is on active duty with the armed forces of  
113 the United States and is required to relocate by the armed forces, but

114 the employer's account shall not at any time be charged with respect to  
115 any voluntary leaving that falls under subparagraph (A)(v) of this  
116 subdivision, or (vi) to accompany such individual's spouse to a place  
117 from which it is impractical for such individual to commute due to a  
118 change in location of the spouse's employment, but the employer's  
119 account shall not be charged with respect to any voluntary leaving  
120 under subparagraph (A)(vi) of this subdivision; or (B) if, in the opinion  
121 of the administrator, the individual has been discharged or suspended  
122 for felonious conduct, conduct constituting larceny of property or  
123 service, the value of which exceeds twenty-five dollars, or larceny of  
124 currency, regardless of the value of such currency, wilful misconduct  
125 in the course of the individual's employment, or participation in an  
126 illegal strike, as determined by state or federal laws or regulations,  
127 until such individual has earned at least ten times the individual's  
128 benefit rate; provided an individual who (i) while on layoff from  
129 regular work, accepts other employment and leaves such other  
130 employment when recalled by the individual's former employer, (ii)  
131 leaves work that is outside the individual's regular apprenticeable  
132 trade to return to work in the individual's regular apprenticeable trade,  
133 (iii) has left work solely by reason of governmental regulation or  
134 statute, or (iv) leaves part-time work to accept full-time work, shall not  
135 be ineligible on account of such leaving and the employer's account  
136 shall not at any time be charged with respect to such separation, unless  
137 such employer has elected payments in lieu of contributions;

138 (3) During any week in which the administrator finds that the  
139 individual's total or partial unemployment is due to the existence of a  
140 labor dispute other than a lockout at the factory, establishment or other  
141 premises at which the individual is or has been employed, provided  
142 the provisions of this subsection do not apply if it is shown to the  
143 satisfaction of the administrator that (A) the individual is not  
144 participating in or financing or directly interested in the labor dispute  
145 that caused the unemployment, and (B) the individual does not belong  
146 to a trade, class or organization of workers, members of which,  
147 immediately before the commencement of the labor dispute, were

148 employed at the premises at which the labor dispute occurred, and are  
149 participating in or financing or directly interested in the dispute; or (C)  
150 the individual's unemployment is due to the existence of a lockout. A  
151 lockout exists whether or not such action is to obtain for the employer  
152 more advantageous terms when an employer (i) fails to provide  
153 employment to its employees with whom the employer is engaged in a  
154 labor dispute, either by physically closing its plant or informing its  
155 employees that there will be no work until the labor dispute has  
156 terminated, or (ii) makes an announcement that work will be available  
157 after the expiration of the existing contract only under terms and  
158 conditions that are less favorable to the employees than those current  
159 immediately prior to such announcement; provided in either event the  
160 recognized or certified bargaining agent shall have advised the  
161 employer that the employees with whom the employer is engaged in  
162 the labor dispute are ready, able and willing to continue working  
163 pending the negotiation of a new contract under the terms and  
164 conditions current immediately prior to such announcement;

165 (4) During any week with respect to which the individual has  
166 received or is about to receive remuneration in the form of (A) wages  
167 in lieu of notice or dismissal payments, including severance or  
168 separation payment by an employer to an employee beyond the  
169 employee's wages upon termination of the employment relationship,  
170 unless the employee was required to waive or forfeit a right or claim  
171 independently established by statute or common law, against the  
172 employer as a condition of receiving the payment, or any payment by  
173 way of compensation for loss of wages, or any other state or federal  
174 unemployment benefits, except mustering out pay, terminal leave pay  
175 or any allowance or compensation granted by the United States under  
176 an Act of Congress to an ex-serviceperson in recognition of the ex-  
177 serviceperson's former military service, or any service-connected pay  
178 or compensation earned by an ex-serviceperson paid before or after  
179 separation or discharge from active military service, or (B)  
180 compensation for temporary disability under any workers'  
181 compensation law;

182 (5) Repealed by P.A. 73-140;

183 (6) If the administrator finds that the individual has left  
184 employment to attend a school, college or university as a regularly  
185 enrolled student, such ineligibility to continue during such attendance;

186 (7) Repealed by P.A. 74-70, S. 2, 4;

187 (8) If the administrator finds that, having received benefits in a prior  
188 benefit year, the individual has not again become employed and been  
189 paid wages since the commencement of said prior benefit year in an  
190 amount equal to the greater of three hundred dollars or five times the  
191 individual's weekly benefit rate by an employer subject to the  
192 provisions of this chapter or by an employer subject to the provisions  
193 of any other state or federal unemployment compensation law;

194 (9) If the administrator finds that the individual has retired and that  
195 such retirement was voluntary, until the individual has again become  
196 employed and has been paid wages in an amount required as a  
197 condition of eligibility as set forth in subdivision (3) of section 31-235;  
198 except that the individual is not ineligible on account of such  
199 retirement if the administrator finds (A) that the individual has retired  
200 because (i) such individual's work has become unsuitable considering  
201 such individual's physical condition and the degree of risk to such  
202 individual's health and safety, and (ii) such individual has requested of  
203 such individual's employer other work that is suitable, and (iii) such  
204 individual's employer did not offer such individual such work, or (B)  
205 that the individual has been involuntarily retired;

206 (10) Repealed by P.A. 77-426, S. 6, 19;

207 (11) Repealed by P.A. 77-426, S. 6, 19;

208 (12) Repealed by P.A. 77-426, S. 17, 19;

209 (13) If the administrator finds that, having been sentenced to a term  
210 of imprisonment of thirty days or longer and having commenced

211 serving such sentence, the individual has been discharged or  
212 suspended during such period of imprisonment, until such individual  
213 has earned at least ten times such individual's benefit rate;

214 (14) If the administrator finds that the individual has been  
215 discharged or suspended because the individual has been disqualified  
216 under state or federal law from performing the work for which such  
217 individual was hired as a result of a drug or alcohol testing program  
218 mandated by and conducted in accordance with such law, until such  
219 individual has earned at least ten times such individual's benefit rate;

220 (15) If the individual is a temporary employee of a temporary help  
221 service and the individual refuses to accept suitable employment when  
222 it is offered by such service upon completion of an assignment until  
223 such individual has earned at least six times such individual's benefit  
224 rate; [and]

225 (16) If the administrator finds that the individual, having  
226 commenced a claim for benefits on or after January 1, 2016, has failed  
227 to post his or her resume on an online employment exchange  
228 designated by the administrator and designed for employers and job  
229 seekers in the state after the sixth consecutive week of collecting  
230 benefits under this chapter. The administrator may adopt regulations,  
231 in accordance with the provisions of chapter 54, to implement the  
232 provisions of this subdivision; and

233 [(16)] (17) For purposes of subparagraph (A)(ii) of subdivision (2) of  
234 this subsection, "illness or disability" means an illness or disability  
235 diagnosed by a health care provider that necessitates care for the ill or  
236 disabled person for a period of time longer than the employer is  
237 willing to grant leave, paid or otherwise, and "health care provider"  
238 means (A) a doctor of medicine or osteopathy who is authorized to  
239 practice medicine or surgery by the state in which the doctor practices;  
240 (B) a podiatrist, dentist, psychologist, optometrist or chiropractor  
241 authorized to practice by the state in which such person practices and  
242 performs within the scope of the authorized practice; (C) an advanced

243 practice registered nurse, nurse practitioner, nurse midwife or clinical  
244 social worker authorized to practice by the state in which such person  
245 practices and performs within the scope of the authorized practice; (D)  
246 Christian Science practitioners listed with the First Church of Christ,  
247 Scientist in Boston, Massachusetts; (E) any medical practitioner from  
248 whom an employer or a group health plan's benefits manager will  
249 accept certification of the existence of a serious health condition to  
250 substantiate a claim for benefits; (F) a medical practitioner, in a practice  
251 enumerated in subparagraphs (A) to (E), inclusive, of this subdivision,  
252 who practices in a country other than the United States, who is  
253 licensed to practice in accordance with the laws and regulations of that  
254 country; or (G) such other health care provider as the Labor  
255 Commissioner approves, performing within the scope of the  
256 authorized practice. For purposes of subparagraph (B) of subdivision  
257 (2) of this subsection, "wilful misconduct" means deliberate  
258 misconduct in wilful disregard of the employer's interest, or a single  
259 knowing violation of a reasonable and uniformly enforced rule or  
260 policy of the employer, when reasonably applied, provided such  
261 violation is not a result of the employee's incompetence and provided  
262 further, in the case of absence from work, "wilful misconduct" means  
263 an employee must be absent without either good cause for the absence  
264 or notice to the employer which the employee could reasonably have  
265 provided under the circumstances for three separate instances within a  
266 twelve-month period. Except with respect to tardiness, for purposes of  
267 subparagraph (B) of subdivision (2) of this subsection, each instance in  
268 which an employee is absent for one day or two consecutive days  
269 without either good cause for the absence or notice to the employer  
270 which the employee could reasonably have provided under the  
271 circumstances constitutes a "separate instance". For purposes of  
272 subdivision (15) of this subsection, "temporary help service" means any  
273 person conducting a business that consists of employing individuals  
274 directly for the purpose of furnishing part-time or temporary help to  
275 others; and "temporary employee" means an employee assigned to  
276 work for a client of a temporary help service.

277 (b) Any individual who has voluntarily left part-time employment  
 278 under conditions which would otherwise render him or her ineligible  
 279 for benefits pursuant to subparagraph (A) of subdivision (2) of  
 280 subsection (a) of this section, who has not earned ten times his or her  
 281 benefit rate since such separation and who is otherwise eligible for  
 282 benefits shall be eligible to receive benefits only as follows: (1) If such  
 283 separation from the individual's part-time employment precedes a  
 284 compensable separation, under the provisions of this chapter, from his  
 285 or her full-time employment, he or she shall be eligible to receive an  
 286 amount equal to the benefits attributable solely to the wages paid to  
 287 him or her for any employment during his or her base period other  
 288 than such part-time employment; or (2) if such separation from the  
 289 individual's part-time employment follows a compensable separation,  
 290 under the provisions of this chapter, from his or her full-time  
 291 employment, he or she shall be eligible to receive an amount equal to  
 292 the lesser of the partial unemployment benefits he or she would have  
 293 received under section 31-229 but for such separation from his or her  
 294 part-time employment or the partial unemployment benefits for which  
 295 he or she would be eligible under section 31-229 based on any  
 296 subsequent part-time employment. In no event may the employer who  
 297 provided such part-time employment for the individual be charged for  
 298 any benefits paid pursuant to the subsection. For purposes of this  
 299 subsection, "full-time employment" means any job normally requiring  
 300 thirty-five hours or more of service each week, and "part-time  
 301 employment" means any job normally requiring less than thirty-five  
 302 hours of service each week."

This act shall take effect as follows and shall amend the following sections:

Sec. 501	October 1, 2015	31-231a
Sec. 502	October 1, 2015	31-236